

Message Text

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INFO OCT-01 ARA-02 ADP-00 /005 R

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DRAFTED BY:L/EB:CJPITMAN

APPROVED BY:L/EB:JDMUIR

ARA/BR:MR PEREZ(INFO)

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R 011900Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY ROME

AMEMBASSY ATHENS

AMCONSUL RIO DE JANEIRO

AMEMBASSY BRASILIA

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FOL TEL SENT ACTION SECSTATE LOND 10 JUL 73 FROM TRIPOLI

REPEATED TO YOU

QTE LIMITED OFFICIAL USE TRIPOLI 0905

E. O. 11652: N/A

TAGS: ENGR EIND EFIN LY

SUBJ: BUNKER HUNT NATIONALIZATION

REF: STATE 131160

1. NOTE DATED JULY 5 AND CONFIRMING TO TEXT PARA 6
REFTEL DELIVERED MFT JULY 8. FOLLOWING DAY CHARGE
RECEIVED APPOINTMENT WITH NAJIB SHAYBANI, MFA DIRECTOR
OF POLITICAL AFFAIRS. CHARGE PRESENTED HIM COPY OF
NOTE AND TOOK OCCASION TO READ HIM PASSAGES OF QADHAFI'S
JUNE 11 SPEECH (FBSI M111910) AND LIBYAN RADIO COMMENT-
ARY OF JUNE 12 (FBIS M121942) THT COULD BE CITED AS
LARG'S STATED REASONS FOR ACTION AGAINST BH CONSTITU-
ING "POLITICAL REPRISAL AGAINST THE USG AND COERCION
AGAINST THE CONOMIC INTERESTS OF CERTAIN OTHER U.S.
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NATIONALS IN LIBYA."

2. SHAYBANI HAD SEVERAL REACTIONS. FIRST HE SAID THIS NOTE (NO. 59 SEEMED TO BE CONTRADICTED BY EMBASSY'S EARLIER NOTE ON SUBJECT, NO. 51 OF JUNE 14, WHICH "RECOGNIZED" THE RIGHT OF A SOVEREIGN STATE TO NATIONALIZE FOREIGN PRIVATE PROPERTY. (ACTUALLY IT DID NOT SAY THAT, OF COURSE, BUT IT MAY BE IMPLIED BY SILENCE ON THE POINT.) CHARGE MADE THE POINT THAT LATEST NOTE ADDRESSES ITSELF TO SPECIFIC REASONS GIVEN BY LARG FOR NATIONALIZATION IN THIS CASE.

3. SHAYBANI THEN SHIFTED TO ARGUMENT THAT JUNE 11 QADHAFI HIMSELF CITED A "PUBLIC PURPOSE" FOR THE LARG'S ACTION, NAMELY THAT BH AS AN INDIVIDUAL DID NOT HAVE LEGAL STANDING TO HOLD A CONCESSION (WHICH PRESUMABLY RESERVED FOR CORPORATIONS). CHARGE COMMENTED THAT NEITHER OF US LAWYERS, AND IN ANY CASE QADHAFI HAD INTRODUCED HIS ANNOUNCEMENT BY GIVING POLITICAL AND COERCIVE REASONS.

4. SHAYBANI CONCLUDED BY SAYING LARG CERTAINLY STOOD BY EVERYTHING QADHAFI HAD SAID ON THAT OCCASION, OR ANY OTHER. USG HAD NOW PROTESTED AND "I DO NOT ACCEPT THE PROTEST". CHARGE REPLIED THAT OBVIOUSLY THE NOTE DESERVED CLOSE LEGAL STUDY AND HE EXPECTED THIS MIGHT TAKE SOME TIME CONSIDERING THE COMPLEXITIES INVOLVED. SHAYBANI SEEMED TO AGREE AND SAID HE WOULD REFER IT TO MFA'S LEGAL DEPT. CHARGE THEN MOVED ON TO OTHER SUBJECTS.

5. COMMENT: MFA SELDOM REPLIES TO OUR NOTES, AND CHARGE RECEIVED IMPRESSION THAT SHAYBANI'S "I DO NOT ACCEPT THE PROTEST" WAS TO COVER HIS REAR, FOR THE RECORD BEING MADE BY A NOTE-TAKE. HOWEVER, THE EVENTUAL LARG REACTION IS NOT PREDICTABLE. MEANWHILE, WOULD BE INTERESTED TO KNOW THAT HUNT IS DOING TO PRESENT HIS OR ITS CASE TO LARG DIRECTLY. JOSIF UNQTE ROGERS

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